

JURY SELECTION PROTOCOL
(Criminal Jury Trials)
Judge Philip A. Brimmer

1. Except in longer trials, the jury will consist of twelve regular jurors and one alternate juror, who shall remain anonymous to all but the court and the parties. The alternate juror shall be in the seat selected by the court during the Trial Preparation Conference.

2. Thirty-one prospective jurors will be chosen at random by lot and seated in front of and in the jury box.

3. Voir dire will be conducted by the court and counsel and will be directed to those 31 prospective jurors.

4. Any juror excused by the court for hardship will be replaced by a prospective juror other than the initial 31.

5. After voir dire is completed, the court will entertain challenges for cause.

6. Pursuant to Fed. R. Crim. P. 24(b) and (c)(2) and (c)(4)(A), the defendant is entitled to eleven peremptory challenges (ten for the regular jurors and one for the alternate) and the government is entitled to seven peremptory challenges (six for the regular jurors and one for the alternate).

7. When the court directs, the parties shall exercise their regular (non-alternate) juror peremptory challenges in the following order:

- the government may exercise its first peremptory challenge;
- the defendant may exercise his first and second peremptory challenges;
- the government may exercise its second peremptory challenge;
- the defendant may exercise his third and fourth peremptory challenges;
- the government may exercise its third peremptory challenge;
- the defendant may exercise his fifth and sixth peremptory challenges;
- the government may exercise its fourth peremptory challenge;
- the defendant may exercise his seventh and eighth peremptory challenges;
- the government may exercise its fifth peremptory challenge;
- the defendant may exercise his ninth peremptory challenge;
- the government may exercise its sixth peremptory challenge;
- the defendant may exercise his tenth peremptory challenge;

8. When the court directs, the parties shall exercise their alternate juror peremptory challenges in the following order:

- the government may exercise its seventh (and final) peremptory challenge as to the alternate juror only, or the challenge is waived; and

- the defendant may exercise his eleventh (and final) peremptory challenge as to the alternate juror only.

9. If either side accepts the jury before exercising all of its peremptory challenges, the other side may continue to exercise available peremptory challenges in response to which the side accepting the jury with peremptory challenges remaining may exercise remaining peremptory challenges, but only with respect to a prospective juror who was seated in the place of another prospective juror who was excused through the exercise of a peremptory challenge.

10. A peremptory challenge shall be by **audible** strike made in open court by the party exercising the challenge.

11. All but the last peremptory challenge for each side shall be directed at prospective jurors in seats 1 through 13 only, with the exception of the seat designated for the alternate. As required by Fed. R. Crim. P. 24(c)(2) and (4), the last peremptory challenge for each side may be used to remove the alternate juror only.

12. Panelists in seats one through thirteen who are excused by peremptory challenge shall be replaced by remaining prospective jurors in seats 14 through 31 beginning with the prospective juror in seat 14.